

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CORNEL WEST, *et al.*,

Plaintiffs,

v.

PENNSYLVANIA DEPARTMENT OF
STATE, *et al.*,

Defendants.

No. 24-cv-1349

Judge Nicholas Ranjan

MOTION TO DISMISS

The Pennsylvania Department of State and Secretary of the Commonwealth Al Schmidt move to dismiss Plaintiffs' Complaint (ECF No. 1) under Federal Rule of Civil Procedure 12. The Complaint should be dismissed for the reasons described in the contemporaneously filed brief.

October 1, 2024

Respectfully submitted,

Kathleen M. Kotula (No. 86321)
Kathleen A. Mullen (No. 84604)
Pennsylvania Department of State
306 North Office Bldg.
401 North Street
Harrisburg, PA 17120-0500

/s/ Jacob B. Boyer

Jacob B. Boyer (No. 324396)
Steven R. Kovatis (No. 209495) (pro
hac vice application forthcoming)
Office of General Counsel
333 Market Street, 17th Floor
Harrisburg, PA 17101
jacobboyer@pa.gov
(717) 460-6786

Counsel for Department of State and Secretary of the Commonwealth Al Schmidt

CERTIFICATES

I hereby certify that a copy of this motion has been served on all counsel of record using the Court's CM/ECF system.

I further certify that, as required by this Court's practices and procedures, I contacted counsel for plaintiffs earlier today for their position about whether deficiencies in the Complaint can be cured. As of filing, I have not yet received a response from plaintiffs' counsel.

October 1, 2024

/s/ Jacob B. Boyer

Jacob B. Boyer